

AMENDMENT UNDER 37 C.F.R. § 1.111
Appn. No. 10/625,938

PATENT APPLICATION

REMARKS

Reconsideration and further examination of this application is hereby requested. Claims 1-22 are currently pending in the application. Claims 1, 11-19, and 22 have been amended to improve clarity and not for the purpose of avoiding prior art.

Claims 1-22 have been rejected under 35 U.S.C. § 103(a) as being obvious over Somoza (patent US 6336035) in view of Uhlik (patent US 6760599) and Markus (patent US 5561841). This rejection is respectfully traversed based on the following arguments.

A. A First Limitation Not Suggested By The References

In order for a patent claim to be obvious, the prior art must teach or suggest each and every limitation recited in the claim. That is because the claim must be considered as a whole; it may not be distilled down to a gist.

Independent claim 1 recites the limitation
creating timing relationships for the base station tower in said coverage area
at lines 17-18. Independent claim 11 recites a similar limitation at lines 15-16. Independent claim 20 recites a similar limitation at lines 10-12. Independent claim 21 recites a similar limitation at line 18.

The Somoza reference does not disclose creating timing relationships for a base station tower. The Uhlik reference does

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not disclose creating timing relationships for a base station tower. The Markus reference does not disclose creating timing relationships for a base station tower. Simply adding histograms does not suggest this claimed limitations. Thus, when the Somoza, Uhlik, and Markus references are considered together, they do not teach or fairly suggest the determining of timing relationships aspect of the claimed invention.

For the foregoing reasons, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 1-22.

B. A Second Limitation Not Suggested By The References

Independent claim 1 recites the limitation

producing a geographical data base of signal components from said plurality of base station towers that is clear of co-channel interference and adjacent-channel interference.

Refer to claim 1 at lines 20-22.

The Somoza reference does teach providing a display of a database of RF propagation data. However, Somoza does not, as the Examiner contends, produce a geographical database of signal components from a plurality of base station towers that is clear of co-channel interference and adjacent-channel interference. When Somoza is considered together with the Uhlik and Markus references, Uhlik and Markus do not provide teachings or suggestions of a database that is "clear of co-channel

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interference and adjacent-channel interference" so as to rectify the shortcomings of the Somoza reference.

For the foregoing reasons, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 1-10.

C. A Third Limitation Not Suggested By The References

Independent claim 11 recites the limitation

producing a geographical data base of co-channel interference strength between a given pair of base station towers from said plurality of base station towers.

Refer to claim 11 at lines 18-20. Independent claim 20 recites a similar limitation at lines 7-9.

The Somoza reference does teach providing a display of a database of RF propagation data. However, Somoza does not produce a geographical database of co-channel interference strength between a given pair of base station towers from a plurality of base station towers. Nor does the Examiner contend that it does. When Somoza is considered together with the Uhlik and Markus references, Uhlik and Markus do not provide teachings or suggestions of a database of "co-channel interference strength between a given pair of base station towers" so as to rectify the shortcomings of the Somoza reference.

For the foregoing reasons, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of

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obviousness with respect to claims 11-20.

D. Combination Of The Identified References Is Not Apt

The Uhlik reference has so little to do with the subject matter of the Somoza and Markus references that it would make no sense to combine them. Somoza and Markus are both directed to modeling of cellular systems for design purposes. By contrast, Unlik is directed towards operation of a cellular network in terms of how a given handset interacts with the base stations. Because they are directed to such diverse problems, they would not have been considered together by persons having ordinary skill in the art.

E. Closing

In view of the above arguments, Applicant respectfully submits that independent claim 1, 11, 20, and 21 are patentable over the prior art of record. Applicant further submits that dependent claims 2-10, 12-19, and 22 are patentable at least as being dependent from patentable independent claims, and are further patentable due to the additional limitations recited therein.

For the above reasons, Applicant respectfully submits that the application is in condition for allowance with claims 1-22. If there remain any issues that may be disposed of via a

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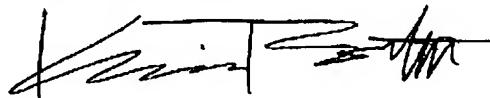
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telephonic interview, the Examiner is kindly invited to contact the undersigned at the numbers given below.

The Director of the U.S. Patent & Trademark Office is authorized to charge any necessary fees, and conversely, deposit any credit balance, to Deposit Account No. 18-1579.

Respectfully submitted,

ROBERTS ABOKHAIR & MARDULA, LLC



Kevin L. PONTIUS
Reg. No. 37512

Please direct telephone inquiries to:

Kevin Pontius at (505) 922-1400 or (703) 391-2900

Please continue to direct correspondence to:

Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Dr.
Suite 1000
Reston, VA 20191